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September 16, 2013

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Via email at [marni\\_blank@nysd.uscourts.gov](mailto:marni_blank@nysd.uscourts.gov)  
The Honorable Shira A. Scheindlin, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

Re: *Beeman, Freij and Traktman, Appellants v. BGI Creditors Liq. Trust  
and Smith, Appellees*, No. 1:13-cv-05754-SAS

Dear Judge Scheindlin:

I apologize for writing in absentia, but I am on a cruise with my wife to celebrate our 35th anniversary, and connecting from the Adriatic is remarkably difficult.

I had proposed a briefing schedule to the liquidating trustee's counsel, but we are apart on what we are to do. When we left the hearing before you Thursday, it was my belief that we were to brief the 28 U.S.C. 158 certification issue, and proposed a briefing schedule with our motion brief due the Tuesday we return, September 24th.

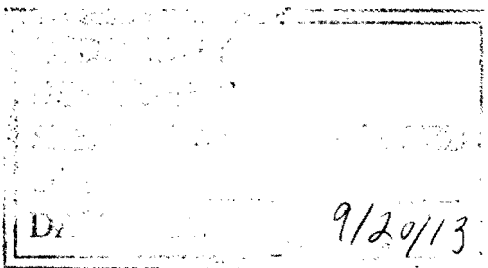
Mr. Buechler interpreted our obligations as doing a full appeal brief. For that I would need until at least October 1st. However, our opening brief in the main appeal is due October 8th, so I would suggest that we be permitted to file our motion for 158 certification and to stay distributions pending the appeal, with our opening motion brief due September 24th, and Mr. Buechler to have whatever time he requests, with any reasonable reply.

If we need to file a full appeal brief instead, we would request until the week after our Second Circuit brief is due, or October 15th.

Respectfully and apologetically requested,

/s/ Clinton A. Krislov  
Attorney for the giftcard holders  
Beeman, Freij and Traktman

\* Dictated but not read



CAK:mm  
cc: Kenneth T. Goldstein  
Bruce Buechler ([BBuechler@lowenstein.com](mailto:BBuechler@lowenstein.com))

Appellant's brief on  
the issue of certification  
to the Second Circuit  
will be due Sept. 27  
(25 pages). Response  
due Oct. 18 (25 pages).  
Reply due Oct. 28 (10  
pages).

SO ORDERED.

9/20/13

Shira A. Scheindlin, U.S.D.J.